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HIGH COURT OF CHHATTISGARH, BILASPUR**MAC No. 104 of 2017**

Oriental Insurance Company Limited Through The Branch Manager, Beside
L.I.C. Office, Near Railway Station, Rajnandgaon, District Rajnandgaon,
Chhattisgarh

---- Appellant**Versus**

1. Mus. Amrika Bai W/o Late Shri Bharat Lal Sen, Aged About 48 Years
R/o Village Yadav Para Ward No.6, Than Khamhariya, Police Station &
Tahsil Than Khamhariya, District Bemetara, Chhattisgarh
2. Ku. Prabha Sen D/o Late Bharat Lal Sen, Aged About 18 Years R/o
Village Yadav Para Ward No.6, Than Khamhariya, Police Station &
Tahsil Than Khamhariya, District Bemetara, Chhattisgarh
3. Ramesh Kumar S/o Late Bharat Lal Sen, Aged About 20 Years R/o
Village Yadav Para Ward No.6, Than Khamhariya, Police Station &
Tahsil Than Khamhariya, District Bemetara, Chhattisgarh .
4. Dhanraj Kaushik S/o Late Ramjhul Kaushik, Aged About 36 Years R/o
Village- Rajpur, Post Udiyakhurd, Police Station & Tahsil Shaspur-
Lohara, District Kabirdham, Chhattisgarh (Registered Owner Of
Offending Motorcycle No. C.G.09-J B-0383)

---- Respondents

For Appellant : Shri Goutam Khetrapal, Advocate.

Hon'ble Shri Deepak Gupta, Chief Justice**Order on Board****23/01/2017**

1. Objections raised by the Registry is overruled. The appeal is taken up
for admission with the consent of Learned Counsel for the Appellant.
2. This appeal is directed against the award passed under Section 140 of
the Motor Vehicles Act, 1988 (hereinafter called as 'the Act'). The only ground
raised in the appeal is that the accident occurred due to negligence of the
deceased himself. This is not an issue to be decided at the time of disposing
of the interim application under Section 140 of the Act. This may be taken
into consideration while deciding the main appeal under Section 166 of the
Act.

3. Therefore, the appeal is rejected with liberty reserved in favour of the Insurance Company to raise all grounds available to it under Section 166 of the Act and in case, it is held that the Insurance Company is not liable to pay compensation, all necessary consequences will follow.

Sd/-
(Deepak Gupta)
Chief Justice

Anu